

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Werner BACK et al.

Title: PROTEIN-CONTAINING PREPARATION WHICH CAN BE  
BIOTECHNOLOGICALLY PRODUCED, METHOD FOR THE  
PRODUCTION THEREOF, AND USE OF THE SAME AS A  
FOOD INGREDIENT

Int'l. Appln. No. PCT/EP2003/011264

Int'l. Filing Date: 10/10/2003

Examiner: Unassigned

Art Unit: Unassigned

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.56

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form 1449B/PTO is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits, and within three (3) months of the mailing date of the foreign search report.

RELEVANCE OF EACH DOCUMENT

The documents being cited in the attached PTO/SB/08 were cited as being relevant during the prosecution of the corresponding international application. A copy of the International Search Report is attached setting forth the portion of the documents considered relevant by the examiner. A copy of the cited references listed in the Search Report is not being submitted herewith.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form 1449B/PTO be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 16 March 2005

By Stephen A. Bent

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Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE          STATEMENT BY APPLICANT</b>  Date Submitted: March 17, 2005  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b> 10/528191	
				Application Number	Unassigned
				Filing Date	March 17, 2005
				First Named Inventor	Werner BACK et al.
				Group Art Unit	Unassigned
				Examiner Name	Unassigned
				Attorney Docket Number	060953-0137
Sheet	1	of	2		

[illegible][illegible]

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	A7	International Search Report of PCT/EP03/11264.	
	A8	DATABASE FSTA 'Online!' INTERNATIONAL FOOD INFORMATION SERVICE (IFIS), FRANKFURT/MAIN, DE; MOK C et al., "Risogurt, a mixture of lactic acid fermented rice and soybean protein: development and properties", Database accession no. XP002227512 *Abstract & KOREAN JOURNAL OF FOOD SCIENCE AND TECHNOLOGY 1991 KOREA FOOD RES. INST., SAN 46-1 BAEKHYONDONG BOONDANGKU, SONGNAM, KYONGKIDO 462-420, Republic of Korea, vol. 23, no. 6, pp. 745-749.	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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	A9	DATABASE FSTA 'Online!' INTERNATIONAL FOOD INFORMATION SERVICE (IFIS), FRANKFURT/MAIN, DE; PAIK I S et al., "Keeping quality of yogurt beverage prepared from soy protein concentrate", Database accession no. XP002227513, *Abstract & Korean Journal of Food Science and Technology 1985 Dep. Of Foods & Nutr. Duksung Women's Coll. Seoul, S. Korea, vol. 17, no. 1, pp. 45-50.	
	A10	ANKENMAN GRANATA L et al., "IMPROVED ACID FLAVOR AND VOLATILE COMPOUND PRODUCTION IN A HIGH PROTEIN AND FIBER SOYMILK YOGHURT-LIKE PRODUCT", JOURNAL OF FOOD SCIENCE, INSTITUTE OF FOOD TECHNOLOGISTS. CHICAGO, US, vol. 61, no. 2, March 1, 1996, pp. 331-336.	
	A11	CHENG Y et al., "SOGURT, A YOGURT-LIKE SOYBEAN PRODUCT: DEVELOPMENT AND PROPERTIES", JOURNAL OF FOOD SCIENCE, INSTITUTE OF FOOD TECHNOLOGISTS, CHICAGO, US, vol. 55, no. 4, July 1990, pp. 1178-1179.	
	A12	CAMACHO L et al., "NUTRITIONAL QUALITY OF LUPINE (LUPINUS ALBUS CV. MULTOLUPA) AS AFFECTED BY LACTIC ACID FERMENTATION", International Journal of Food Microbiology, Elsevier Science Publishers, Amsterdam, NL, vol. 14, no. 3/4, 1991, pp. 277-286.	
	A13	MITAL B K et al., "FLAVOR ACCEPTABILITY OF UNFERMENTED AND LACTIC-FERMENTED SOY MILKS", Journal of Milk and Food Technology, The Association, AMES, IA, US, vol. 5, no. 39, May 1976, pp. 342-344.	
	A14	DATABASE FSTA 'Online!' INTERNATIONAL FOOD INFORMATION SERVICE (IFIS) FRANKFURT/MAIN, DE; Han O et al., "Lactic Acid Fermentation of Lupinseed Milk", Database Accession No. 87-1-05-h0099, XP002227514 *Abstract & KOREAN JOURNAL OF APPLIED MICROBIOLOGY AND BIOENGINEERING 1985 DEP. OF FOOD TECH., KOREA UNIV., SEOUL, REPUBLIC OF KOREA, vol. 13, no. 3, pp. 191-198.	

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<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 18 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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